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SUBJECT: KAZAKHSTAN READY TO DEFEND RECORD AT OSCE HUMAN DIMENSION
IMPLEMENTATION MEETING

REF: State 126089

¶1. (SBU) Summary: On September 12, Poloff delivered reftel demarche to Yerkin Akhinzhanov, director of the European Cooperation Department in the Ministry of Foreign Affairs. Akhinzhanov was joined by several members of Kazakhstan's delegation to the forthcoming OSCE Human Dimension Implementation Meeting, which will take place in Warsaw from September 24 through October 5. Akhinzhanov listened respectfully to the demarche points and appreciated the preview of USG concerns. He then presented a vigorous and combative defense of Kazakhstan's record on all the points in a meeting that lasted two hours. End summary.

KAZAKHSTAN ACTIVELY PREPARING FOR WARSAW

¶2. (SBU) On September 12, Poloff delivered reftel demarche to Akhinzhanov and several members of Kazakhstan's delegation to the forthcoming OSCE Human Dimension Implementation Meeting in Warsaw. Kazakhstan plans to send a large delegation, which will be headed by Sagynbek Tursunov, chairman of the Presidential Human Rights Commission and newly elected Mazhilis deputy. Akhinzhanov said that the delegation is actively preparing for the meeting, and acknowledged that Kazakhstan's human dimension record will face close scrutiny in light of Kazakhstan's bid to chair the OSCE.

¶3. (SBU) Akhinzhanov appreciated the preview of USG concerns contained in the reftel demarche, and provided Poloff with a thorough rebuttal or response to each concern during the two-hour meeting. He also expressed frustration that Kazakhstan does not get enough credit for the many advances it has made over the past 15 years, and urged Poloff to instruct the USG delegation to give Kazakhstan credit where appropriate and remember the broader historical and regional context.

ELECTION SHORTCOMINGS

¶4. (SBU) With respect to the recent parliamentary elections, Akhinzhanov said that all alleged violations have been recorded and documented, and the Central Election Committee (CEC) has or will conduct open and transparent investigations. He said that the violations did not affect the final result of the election. He criticized the ODIHR Election Observation Mission for refusing to provide details of the violations it described in its August 19 preliminary report. He said that many of the alleged violations could be "simple misunderstandings", but the CEC cannot investigate without specific information about where and when they occurred. Akhinzhanov said that the CEC operates far more transparently than the ODIHR Election Observation Mission.

¶5. (SBU) Nevertheless, he said that the GOK is continuing to work with the OSCE and ODIHR to resolve outstanding issues and improve

the electoral process. He criticized the OSCE for not giving Kazakhstan credit for improvements in its electoral legislation since the 2004 parliamentary elections. He also noted that additional election law amendments were still working their way through the legislative process, and that the GOK was trying to expedite some of these legislative reforms in time for the Madrid ministerial meeting in November. However, Akhinzhanov was not certain that the legislation would be ready in time.

RECENT CONSTITUTIONAL REFORMS

¶6. (SBU) In response to concerns about the recent constitutional amendments, particularly the provision removing term limits for President Nazarbayev, Akhinzhanov said that the United States and other critics lack understanding of the unique situation in Kazakhstan. He compared the situation in Kazakhstan to the situation in the United States during World War II, and said that President Nazarbayev is a key figure in Kazakhstan's development, much like President Roosevelt's leadership was crucial to the United States during World War II. He said that if term limits had been in place for Franklin Roosevelt during World War II, the US government would have exempted him in the same way that Kazakhstani government just exempted Nazarbayev. He also urged the USG delegation in Warsaw to recognize the legitimacy of the term limits change, because the change was made by the people through their parliament.

¶7. (SBU) Akhinzhanov said that the Kazakhstani delegation would very much appreciate recognition of the positive aspects of the recent constitutional changes, including the removal of the power of arrest from procurators, which he characterized as a long, hard fought battle between the procurator general's office and other elements in the government. He urged the USG delegation to recognize the

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broader historical context concerning Kazakhstan's progress, noting that Kazakhstan has made significant strides in 15 years and has done so while maintaining stability in an unstable region.

INTERNET FREEDOM

¶8. (SBU) Akhinzhanov responded defensively to concerns about Internet freedom in Kazakhstan and the requirement for websites using the .kz domain to have servers physically based in Kazakhstan. He said that the .kz domain is owned by the GOK, and "we can do what we want with it." He also explained that any restrictions concerning the use of the domain were purely for technical or copyright reasons, and claimed that there is complete Internet freedom in Kazakhstan. He said that Internet websites in Kazakhstan contain a wide diversity of viewpoints, and that the GOK's technical regulation of the Internet should not be turned into a political issue.

HARE KRISHNAS

¶9. (SBU) Finally, with respect to the Hare Krishna issue, Akhinzhanov repeated several arguments that various government officials have used in the past. He emphatically stated that the dispute was not about religion; rather, he said, the Hare Krishnas obtained their land illegally, through forgery, and that the government was simply upholding the rule of law by evicting them. He explained that the GOK had actually gone out of its way to protect the Hare Krishnas by not pressing criminal charges for forgery and by offering to find them replacement land, which he criticized the Hare Krishnas for refusing to accept. He reiterated that the Hare Krishnas are registered in 10 different oblasts in Kazakhstan and that any comments by local government officials hostile to the Hare Krishna faith do not represent official government policy. Akhinzhanov also introduced a new argument, stating that Kazakhstan must enforce the rule of law with respect to the Hare Krishna in order to avoid encouraging radical groups such

as Hizb ut-Tahrir. Poloff replied that linking the Hare Krishnas to extremist groups such as the illegal Hizb ut-Tahrir would not help Kazakhstan's position on the issue, but Akhinzhanov did not take the point.

¶10. (SBU) Akhinzhanov expressed dismay that the Hare Krishna issue was receiving so much attention, and said that continued USG pressure on the issue could damage the bilateral relationship between the United States and Kazakhstan. He said that discussions to resolve the dispute were ongoing, but neither the United States nor Kazakhstani authorities in Astana had the right to interfere with court decisions. Poloff replied that the bilateral relationship between United States and Kazakhstan was much broader than the Hare Krishna issue, but that the bulldozing of Hare Krishna homes by local government authorities was bound to attract international attention, particularly in light of Kazakhstan's aspiration to chair the OSCE.

MFA APPEALS FOR TOLERANCE AND UNDERSTANDING

¶11. (SBU) At this, Akhinzhanov acknowledged that Kazakhstan's record would receive close scrutiny, because Kazakhstan is a "non-traditional" candidate for chair of the OSCE. He said that no country is perfect, and that past chairs of the OSCE have had worse records in certain areas, but that Kazakhstan was prepared to defend and explain its record. He expressed hope that the USG would be tolerant of Kazakhstan's unique circumstances and would acknowledge Kazakhstan's overall positive record in the last 15 years.

¶12. (SBU) In conclusion, he said that Kazakhstan hopes to be more proactive in all three dimensions of the OSCE, and was sending a large delegation to the Human Dimension Implementation Meeting to show its commitment to the issue. He also said that certain factions within the government, including the MFA, were leading the effort to promote reform and improve Kazakhstan's human dimension record, but that other parts of the government were opposed or uncooperative. He appealed for understanding and patience, and said that harsh international criticism of Kazakhstan would consolidate and strengthen the factions opposed to reform in Kazakhstan.

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